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*Attorneys for Defendants Nationstar Mortgage,  
LLC and Wells Fargo Bank, N.A., as Trustee For  
Structured Adjustable Rate Mortgage Loan Trust,  
Series 2007-3*

**Hon. Ricardo S. Martinez**

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BRETT DIFFLEY, an unmarried man,

Plaintiff,

v.

NATIONSTAR MORTGAGE LLC, a foreign  
corporation, QUALITY LOAN SERVICE  
CORPORATION OF WASHINGTON, a  
Washington corporation, WELLS FARGO  
BANK, N.A., as Trustee For Structured  
Adjustable Rate Mortgage Loan Trust, Series  
2007-3,

Defendants.

Case No. 2:17-cv-01370-RSM

DECLARATION OF MICHAEL  
KAPAUN IN SUPPORT OF  
DEFENDANTS NATIONSTAR  
MORTGAGE LLC and WELLS FARGO  
BANK N.A.'S MOTION TO DISMISS  
PLAINTIFF'S COMPLAINT

I, Michael J. Kapaun, declare and state as follows:

1. I am an attorney with the law firm Witherspoon Kelley, counsel of record for  
Defendants Nationstar Mortgage, LLC ("Nationstar") and Wells Fargo Bank, N.A. ("Wells

DECLARATION OF MICHAEL J. KAPAUN IN  
SUPPORT OF DEFENDANTS NATIONSTAR  
MORTGAGE, LLC and WELLS FARGO BANK  
N.A.'S MOTION TO DISMISS PLAINTIFFS'  
COMPLAINT - 1



**WITHERSPOON · KELLEY**

Attorneys & Counselors

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1 Fargo”) in this matter. I am over the age of 18, competent to testify and have personal  
2 knowledge of the matters set forth in this Declaration. I make this Declaration in support of  
3 Defendants Nationstar Mortgage, LLC and Wells Fargo Bank, N.A.’s Motion to Dismiss  
4 Plaintiffs’ Complaint.

5 2. Attached hereto as Exhibit 1 is a true and correct copy of the Corrective  
6 Assignment of Deed of Trust recorded on January 5, 2016, in King County, Washington,  
7 Instrument Number 20160105000317.

8 3. Attached hereto as Exhibit 2 is an Appointment of Successor Trustee dated  
9 March 22, 2016, wherein Nationstar, as attorney-in-fact for Wells Fargo, appointed Quality  
10 Loan Service Corporation of Washington (“QLS”) as the successor trustee under the DOT.  
11 Kapaun Decl. Exhibit 2 (Appointment of Successor Trustee).

12 4. Attached hereto as Exhibit 3 is the Notice of Trustee’s Sale recorded by QLS  
13 scheduling a sale of the property that is the subject of the lawsuit for September 29, 2017.

14 I declare under penalty of perjury under the laws of the United States and the State of  
15 Washington that the foregoing is true and correct.

16 Executed at Spokane, Washington this 16<sup>th</sup> day of October, 2017.

17 s/Michael J. Kapaun  
18 Michael J. Kapaun, WSBA # 36864



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**CERTIFICATE OF SERVICE**

I hereby certify that on the 16<sup>th</sup> day of October, 2017,

1. I caused to be electronically filed the foregoing DECLARATION OF MICHAEL J. KAPAUN IN SUPPORT OF DEFENDANTS NATIONSTAR MORTGAGE LLC and WELLS FARGO BANK, N.A.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

Vicente Omar Barraza  
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*Attorney for Plaintiff*

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rmcdonald@qualityloan.com  
*Attorney for Defendant Quality Loan Service Corporation of Washington*

2. I hereby certify that I have caused to be mailed by United States Postal Service the foregoing document to the following non-CM/ECF participants at the addresses listed below: None

3. I hereby certify that I have mailed by United States Postal Service the foregoing document to the following CM/ECF participants at the address listed below: None.

4. I hereby certify that I have hand-delivered the foregoing document to the following participants at the addresses listed below: None.

s/ Michael J. Kapaun  
Michael J. Kapaun, WSBA # 36864

